

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Novus Franchising, Inc.,

Plaintiff,

Civ. No. 09-85 (RHK/SRN)

**ORDER**

v.

Frederic Alan Flint,

Defendant.

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This matter is before the Court on the Motion for Default Judgment (Doc. No. 29) filed by Plaintiff Novus Franchising, Inc. (“Novus”). No opposition to the Motion has been filed. A hearing was held on the Motion on August 26, 2009, at which Defendant failed to appear.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** as follows:

1. The Clerk of the Court is **DIRECTED** to enter Defendant Frederic Alan Flint’s default, pursuant to Federal Rule of Civil Procedure 55(a);
2. Novus’s Motion for Default Judgment is **GRANTED IN PART**. The Court determines that Novus is entitled to recover damages from Defendant in the amount sought (\$56,677.74) and is also entitled to the requested injunctive relief. The Court further determines that Novus is entitled to an award of reasonable attorneys’ fees and costs pursuant to the parties’ Franchise Agreement. However, the Court concludes that the amount of fees/costs requested by Novus must be reduced. Given the relatively simple nature of this case, the limited amount of work required, and the fact that judgment has been obtained by default, the Court determines that a reasonable fee/cost award is \$15,000. Accordingly, Novus **SHALL RECOVER** from Defendant Frederic Alan Flint the sum of \$71,677.74, comprising \$56,677.74 in damages and \$15,000 in attorneys’ fees/costs;

3. For a period of two years from the date of this Order, Defendant Frederic Alan Flint, his immediate family members, and all persons in active concert with him who receive notice of this Order, are hereby restrained and enjoined from owning, operating, leasing, franchising, licensing, conducting, engaging in, consulting with, being connected with, having any interest in, or assisting any person or entity engaging in any other business that is in any way competitive with or similar to the Business System or the Business (including any glass repair and/or replacement or installation business), which is located within any of the following Counties in Mississippi: Clarke, Jasper, Kemper, Lauderdale, Neshoba and Newton;
4. For a period of two years from the date of this Order, Defendant Frederic Alan Flint, his immediate family members, all persons in active concert with him who receive notice of this Order, all purported assignees of any of the registered Novus Marks and all derivations and uses thereof who receive notice of this Order, and all recipients of any of the property described in paragraph 4(b) below who receive notice of this Order, are hereby restrained and enjoined from:
  - (a) Any use of the registered Novus marks and all derivations thereof; and
  - (b) Retaining any manual or other confidential or proprietary information provided to Defendant under the Franchise Agreement; and
5. Defendant Frederic Alan Flint, all persons in active concert with him who receive notice of this Order, all purported assignees of any of the registered Novus Marks and all derivations and uses thereof who receive notice of this Order, and all recipients of any of the property described in paragraph 4(b) above who receive notice of this Order, shall, within five days of the date of this Order:
  - (a) Return to Novus all confidential and proprietary materials of Novus including, but not limited to, all manuals and equipment;
  - (b) Remove and return to Novus, or destroy, all signage, promotional materials, and other materials bearing the Novus Marks;
  - (c) Transfer to Novus, or cause the person who is authorized to make changes with the telephone company with regard to the below-listed telephone numbers to sign the documents to be presented by Novus in order to re-route to Novus, all telephone and/or fax numbers and all directory listings for the former franchised businesses, including but not limited to the following telephone and/or fax numbers: (601) 485-7360; (601) 485-6825; (601) 693-5682; and

- (d) Provide proof to Novus's counsel of all steps taken pursuant to this Order.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: August 27, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge